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EXAMINER	
SAGER, MARK ALAN	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/729,439	WALKER ET AL.	
	Examiner	Art Unit	
	M. Sager	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 November 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *39-74* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *39-74* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. Claims 39-42, 56-62, 64-65 are rejected under 35 U.S.C. 102(b) as being anticipated by Lucero (5457306). This holding is maintained from prior action as reiterated herein. Response to Applicant assertion is provided below in Response to Arguments that is incorporated herein. Lucero discloses a method, apparatus and computer readable medium (abstract, 1:8-15, 2:12-3:8, figs. 1-5) teaching receiving, at a gaming device, a loan request including a loan amount (4:24-25, 5:16-17), sending an indication of the loan request to at least one casino employee (4:37), and enabling a cash-out mechanism of the gaming device based on an approval of the loan request (5:17-20, 6:50-53, 7:12-17), wherein sending an indication of the loan request comprises: causing at least one of an audio and visual signal to be output to the at least one casino employee (implicit in order to obtain/receive credit slip, 4:37), wherein sending an indication of the loan request comprises: causing at least one of a beeper, cellular telephone and other computing device to output the indication of the loan request to the at least one casino employee (implicit at least for other computer device such as the gaming machine to signal server/host to indicate/call a casino employee to obtain/receive credit slip which is similar to a help request sending a signal to request casino employee assistance, 4:37), further comprising: receiving an approval of the loan request (5:17-18); further, a method, comprising: receiving, at a gaming device, a loan request including a loan amount (sic), establishing, based on the loan amount, a balance of credits available for wagering at the gaming device; disabling a cash-out mechanism of the gaming device (implicit game machine pause/disablement until loan approval, 5:17-20 or, at least for those instances where loan request occurs when there is a zero balance, cash-out mechanism remains inactive/disabled until loan approval or positive balance established), and

enabling the cash-out mechanism of the gaming device upon the occurrence one of: receiving an approval of the loan request (sic), and determining that a payout at least equal to the loan request has been won at the gaming device using the established balance of credits, wherein the loan amount is subtracted from the payout before the cash-out mechanism is enabled (5:17-20, 6:50-53, 7:12-38), further comprising: sending, to a computing device, an indication of the loan request (sic), and sending, upon the occurrence of the payout at least equal to the loan request, an indication of cancellation of the loan request (7:12-38), further a method comprising: receiving an indication that a player of a gaming device has requested a loan amount for wagering at the gaming device (sic), wherein a cash out mechanism of the gaming device is disabled one a balance based on the loan amount has been established at the gaming device (supra, discussion above regarding disabling cash out mechanism), approving the loan amount (sic), storing an indication of the loan amount in association with the player (supra), also an apparatus comprising: a processor (implicit, 3:35-40, ref 10), and a storage device in communication with the processor (implicit, ref 10), the storage device storing a program for directing the processor to perform the method of claim 39, 58 or 62 (implicit, figs 1-5, ref 10), also a computer readable medium encoded with instructions for directing a processor to perform the method of claim 39, 58 or 62 (implicit, figs 1-5, ref 10).

Claim Rejections - 35 USC § 103

2. Claims 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lucero in view of Bruner (4799683). This holding is maintained from prior action as reiterated herein. Response to Applicant remarks is provided below in Response to Arguments that is incorporated herein. Lucero discloses an apparatus, computer readable medium and method comprising

claimed steps/features (supra) and further includes casino being lender but, as best understood, does not indicate receipt of approval from casino employee as claimed. Bruner discloses a system and method teaching wherein receiving an approval of the loan request comprises receiving, from the at least one casino employee, an approval of the loan request (4:11-20, 5:67-6:4, ref. 43, 45), wherein receiving an approval of the loan request comprises receiving, via an input device of the gaming device, an authorization code from the at least one casino employee (4:11-20, 5:67-6:4, ref. 43, 45), wherein receiving an authorization code comprises receiving, via at least one of a keypad and a card reading device, an authorization code from the at least one casino employee (4:11-20, 5:67-6:4, ref. 43, 45), wherein the card reading device is operable to obtain information from at least one of a magnetic stripe card and a smart card (sic) so as to permit control by casino employee as a security means (2:9-12, 24-58). Thus, especially where casino is lender, it would have been obvious to an artisan at a time prior to the invention to apply the process of wherein receiving an approval of the loan request comprises receiving, from the at least one casino employee, an approval of the loan request, wherein receiving an approval of the loan request comprises receiving, via an input device of the gaming device, an authorization code from the at least one casino employee, wherein receiving an authorization code comprises: receiving, via at least one of a keypad and a card reading device, an authorization code from the at least one casino employee, wherein the card reading device is operable to obtain information from at least one of a magnetic stripe card and a smart card as taught by Bruner to improve the method of Lucero for the predictable result of permitting control by casino employee as a security means.

3. Claims 47-55, 63, and 66-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lucero or, in the alternative, over Lucero in view of Applicant's admission about prior art or, further in the alternative, over Lucero in view of Applicant's admission about prior art and either Burns (6048269) or Bruner (4799683). This holding is maintained from prior action as restated herein. Response to remarks is provided below in Response to Arguments that is incorporated herein. Lucero discloses a method teaching claimed steps/features (supra) and further including sending an indication of the loan request to a computing device (2:26-63, 4:24-41, 5:11-20, 6:42-7:17, figs 1-5, step 64, 86), enabling a cash-out mechanism of the gaming device based on approval of the loan request (sic), transmitting, to the computing device, an identifier of the player associated with the loan request (4:14-21, figs. 1-5, steps 56, 60, 80), receiving, from the player, the identifier of the player (4:14-21), receiving, from the computing device, a direction to prompt the player for a further identifier that verifies the player (5:41-45, step 58, 60, 80, 82), wherein the further identifier comprises at least a personal identification number (5:41-45, step 60, 82), further comprising prompting the player for the further identifier (2:33-63, 5:41-45, step 60, 82), further comprising receiving the further identifier and transmitting the further identifier to the computing device (5:33-35, 41-45, step 84), and receiving, from the computing device, a confirmation thereby receiving an approval of the loan request (5:33-35, 41-45, step 60, 72, 84, 92, 94), but lacks a verification that a player associated with the loan request is a current guest of a hotel associated with the gaming device (clm 47, 66), verifies that a player is currently a guest of a hotel associated with the gaming device (clm 50, 69), a hotel room number or a hotel room entry card identifier (clm 51, 70) and a confirmation that the player is currently a guest of a hotel associated with the gaming device (clm 54, 73).

Essentially, the difference between claimed invention and Lucero's teachings is that the particular additional identifier is a room number rather than a PIN. The form of additional identifier fails to patentably distinguish in so far as a Lucero's PIN performs the same function of further identifying player who made loan request that is a number associated with player likewise to claimed use of a room number to further identify player who made loan request. Equivalence or lack of criticality of type/form of additional identifier is noted in art as recognized equivalents as each being a number associated with player that further identifies the player and further the lack of the additional identifier being a room number fails to critically distinguish over the additional identifier being a PIN since each further identifies player who made loan request. Also, in instant application (likewise contained in grandparent patent), Applicants admit it would be apparent to those skilled in the art for a processor to perform loan approval processing such as including checking whether the player [who made loan request] is a registered casino hotel guest (substitute specification clean version page 35, lines 7-11 as well as derived from grandparent patent 6190256, 4:18-21) thereby teaching/suggesting to an artisan at a time prior to the invention that loan approval processing can include a verification that a player associated with the loan request is a current guest of a hotel associated with the gaming device, verifies that a player is currently a guest of a hotel associated with the gaming device, the identifier being either a hotel room number or a hotel room entry card identifier where the player is a current registered guest and a confirmation that the player is currently a guest of a hotel associated with the gaming device. Alternatively, as further evidence of use of a room number or room entry card identifier as an identifier of a player such as to confirm a player being a registered guest of a casino hotel, Burns (3:26-33) and Burner (2:5-12, 24-58) each teach use of room number or room entry card

identifier as an identifier of a player; while, Bruner further teaches using the room number identifier in association with a player who makes a loan request. Therefore, it would have been obvious to an artisan at a time prior to the invention to apply the process a verification that a player associated with the loan request is a current guest of a hotel associated with the gaming device, verifies that a player is currently a guest of a hotel associated with the gaming device, a hotel room number or a hotel room entry card identifier and a confirmation that the player is currently a guest of a hotel associated with the gaming device as admitted as prior art by Applicants' as known process for loan approval to improve method of Lucero for the predictable result of identifying player who requested loan and confirming creditworthiness therefrom to approve loan request. Alternatively, because Lucero and Applicants admitted use of confirming player is a guest of casino hotel each are methods of further identifying a player in a process of whether to approve a loan request, it would have been obvious to an artisan at a time prior to the invention to substitute one method for the other to achieve the predictable result of approving loan request based in part on a further identifier. Essentially, the identifier of a player's room number at a casino hotel fails to patentably distinguish over Lucero in view of Applicants' admission. Further, alternatively, it would have been obvious to an artisan at a time prior to the invention to apply the process of a verification that a player associated with the loan request is a current guest of a hotel associated with the gaming device, verifies that a player is currently a guest of a hotel associated with the gaming device, a hotel room number or a hotel room entry card identifier and a confirmation that the player is currently a guest of a hotel associated with the gaming device as admitted as prior art by Applicants' as known process for loan approval as further evidenced by either Burns or Bruner to improve method of Lucero for the predictable

result of identifying player who requested loan and confirming creditworthiness therefrom to approve loan request. Further regarding claim 63, the claimed steps of claim 63 is typical billing processing for services rendered that in consideration that to register as a hotel guest an account card (i.e. VISA, MC, AE, casino charge card, debit card) is associated with the player who registers to stay in room so as to ensure a means of payment for duration of stay as well as any additional incurred in room service costs (i.e. long distance calls, charging meals to room, etc), it would have been obvious to an artisan prior to the invention to add determining that a predetermined period of time since a time at which the player finished playing the gaming device has passed, determining that the player has not repaid the loan amount during the predetermined period of time, and charging a credit card of the player for at least a portion of the loan amount that has not yet been repaid as known billing processing as conventional billing processing to improve the method of Lucero in view of Applicants' admission or, in the alternative, the method of Lucero in view of Applicants' admission and either Burns or Bruner for the predictable result of billing stored player account for services. Finally, regarding claim 74, the claimed steps of claim 74 is typical recording of transaction payment required under government/jurisdictional gambling or lending laws that either Lucero or Lucero in view of Applicants' admission or Lucero in view of Applicants' admission and either Bruner or Burns therefore implicitly includes where casino is lender or, alternatively, is deemed obvious to apply the process of determining that the player has finished playing the gaming device before the loan amount has been repaid, determining that the player has repaid the loan amount at a casino counter, and storing an indication of the repayment of the loan amount as conventional transaction record keeping so as to properly record business transaction according to standard business accounting practices or to

comply with government gambling/lending laws. It is further noted that upon a player checking out of hotel room, the room billing would include all services accrued that are associated with room and those charges are commonly repaid upon checkout at the counter.

Response to Arguments

4. Applicant's arguments filed 11/18/08 have been fully considered but they are not persuasive. First a comment regarding claim interpretation for receiving 'at a gaming device' a loan request claimed similarly throughout claims refers to location such as a player standing near a gaming device making a loan request that does not limit the request being through or on the gaming device but merely the location of the request being 'at' the gaming device where 'at' is not defined. How close/far is 'at'; although claims were examined in prior action as 'on'.

In reply to Applicant remark on page 8-10 for claims 39-42, 56-62 and 64-65 that Lucero lacks enabling a cash-out mechanism of the gaming device based on an approval of the loan request by at least one casino employee, the Office disagrees since Applicant fails to consider Lucero's teachings as a whole. As stated in holding and maintained herein, where the casino is lender as per Lucero 5038022 @ 3:60-65 that is incorporated by reference by Lucero 5457306 @ column 1, paragraph 1 therein and where Lucero '306 further augments as receiving a slip to be signed by player making loan/credit request and given to casino employee @4:34-41 such that there is an approval of a credit/loan request by at least one casino employee taught thereby. However further regarding enabling the cash-out mechanism as claimed, it is noted that in those situations by happenstance that a user does not have credit to start play, the cash-out mechanism is disabled whereby once player requests credit/loan at the gaming machine to casino as the lender and whereupon credit is approved by casino employee as lender as taught in evidence by

Lucero stated in holding, the cash-out mechanism would be enabled where it was previously disabled. The activation or enablement of cash-out mechanism in Lucero is thus linked to the granting of credit/loan request to meet the function of claim, as maintained from holding. It appears that Applicant may be improperly importing steps or functionality unclaimed from specification into claims. It has long been known that casino at times acts as lender at least for VIP player such that at least one casino employee approves a loan/credit request. This is so in grained in public culture as to be depicted in movies (Bond: 007 has several) as far back as mid 1980's showing an actor/actress signing a marker for credit to play at a baccarat/game table (i.e. gaming machine); however such consideration does not form any part of holding but is stated merely from the observance of how prevalent the action of casino being a lender where their employee approves a credit/loan request of a player, typically VIP player. Thus, a casino employee granting credit request to a player at a gaming machine in the casino has been well documented in gaming and in pop culture.

Regarding Applicant assertion that claims 43-46 are allowable based on their dependence on claim 39, the Office disagrees and reiterates above discussion herein.

In response to Applicant remark on page 11-12 for claims 43-46 that the combination of Lucero in view Bruner would render the prior art [Lucero] invention unsatisfactory for its intended purpose in citing In re Gordon, the Office disagree since Applicant remark is not well taken. The facts of In re Gordon differ from facts of the combination as in evidence above incorporated herein and thus does not apply in that the Lucero would not be modified in a manner that is unsatisfactory for its intended purpose where the casino is the lender as shown in evidence above. Applicant admits that Bruner does teach that a casino hotel can extend credit to

a player. Also, contrary to Applicants remark that Lucero is 'entirely directed to the provision of credit to a player via a credit card issuer of a financial institution that is remote from the casino, Lucero clearly discloses to an artisan upon a casual reading thereof that a casino acts as a lender so that a casino employee approves a loan request based on rules of granting credit (Lucero '306 @4:34-41; Lucero '022 @ 3:60-65) as stated above and in evidence in holding. Thus, counter to Applicants position, the combination most assuredly renders Lucero satisfactory for its intended purpose where the casino is lender. "[A] disclosure that anticipates under Section 102 also renders the claim invalid under Section 103, for 'anticipation is the epitome of obviousness.'" Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 1548 (Fed. Cir. 1983) (citing In re Fracalossi, 681 F.2d 792 (CCPA 1982)). The Office further submits that Lucero '306 plausibly anticipates 'receiving from the at least one casino employee, an approval of the loan request' where casino is lender and the casino employee receives a credit slip (supra) and that Lucero further teaches 'playing credit can be a pre-arranged amount, or an amount that is subject to selected restrictions and conditions' whereby being a hotel guest clearly is a selected restriction or condition for grant of loan. Applicant admits Bruner teaches a casino hotel can extend credit (sic); hence, the combination when taken as a whole at a time prior to the invention suggests to an artisan a process for granting credit request by a casino employee to a player at a gaming machine based on restrictions and conditions such as player being a hotel guest. Further, the claimed restrictions or conditions of player being a hotel guest fails to critically distinguish over the restrictions and conditions taught/suggested by the combination of Lucero in view of Bruner for credit approval based on credit worthiness or other factors including receiving, from at least one casino employee, an approval of the loan request, as in evidence above.

Regarding remark on page 12-13 for claims 47-55 and 63 that based on dependence to claim 39 and 62 the claims are patentable, the Office disagrees and reiterates above discussion herein.

In reply to Applicant assertion regarding claims 66-74 on pages 12-13 that the cited specification @ 35:7-11 (as well as 4:18-21 of 6190256) is not an admission, the Office respectfully disagrees and maintain that, contrary to Applicants reply, the language 'the processor 201 may perform the proper loan approval steps, such as checking whether the player is a registered casino hotel guest as would be apparent to those skilled in the art' when read by an artisan as a whole, would be interpreted as an admission due to inclusion of 'would be apparent to those skilled in the art'. The quoted phrase is not processor performing steps as proposed by Applicant in their remark on page 13 but rather is specific to approval of loan request by processor for checking if player is registered guest and includes indication as an admission for 'as would be apparent to those skilled in the art'. Nevertheless, even if cited portion is not an admission (which Office maintains the cited language is an admission contrary to Applicant remark), Applicant admit in remark on page 11 as noted above that Bruner does teach a casino hotel extending credit (sic). Also, the approval in Bruner for extending credit implicitly includes determination whether player is a guest since the user/player contacts the front desk to make request to activate game and request credit/loan to initiate play when making request. The casino hotel employee determines/verifies the room number of the guest making the request at least since the room number must form part of the request to indicate which room to activate game. Thus, the combination of Lucero in view of Bruner includes determination whether user/player is a hotel guest (supra). Further, the process of request game activation/loan request with

determination of whether user is a hotel guest as taught in Bruner is a manual process; however, it is well settled in law, to be obvious to automate a previously manual process. In re Venner, 120 USPQ 192. The automation of the process of Lucero in view of Bruner for determining whether a player is a hotel guest would reduce labor cost of casino hotel employee whose job would be to reply to game/credit request under manual process or at least free that casino employee to be available for other casino hotel management duties. Bruner is analogous art for either being in the field of applicant's endeavor or, being reasonably pertinent to the particular problem with which the applicant was concerned. See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). Also, in consideration of US Supreme Court decision in KSR, that 'known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art', it would have been obvious to an artisan at a time prior to the invention to apply the process of automate receiving an approval of loan request based on verification that a player associated with the loan request is a current guest of hotel associated with the gaming device as suggested by Bruner to improve Lucero for the predictable result of reducing labor cost while processing loan request in accordance with selected restrictions and conditions to include verifying user is hotel guest (Lucero '306 @ 4:34-41; Lucero '022 @ 3:60-65, Burner @ 4:6-8, 11-15, 43-50). Burns provides additional evidence (3:25-58) of use of room number to identify player as stated in holding above incorporated herein. Also, use room number as identifier is maintained as equivalent to other identifiers stated in evidence in holding maintained above and the lack of criticality of identifying/verifying player as a hotel guest (i.e. room number) is maintained over combination of Lucero in view of Bruner

or Burns in processing loan request in accordance with selected restrictions and conditions to include verifying user is hotel guest (Lucero '306 @ 4:34-41; Lucero '022 @ 3:60-65, Burner @ 4:6-8, 11-15, 43-50, Burns @ 3:25-58).

Finally, regarding Applicant assertion that claims 67-74 are allowable based on their dependence on claim 66, the Office disagrees and reiterates above discussion herein.

Conclusion

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Sager whose telephone number is 571-272-4454. The examiner can normally be reached on T-F, 0700-1730 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Sager/
Primary Examiner, Art Unit 3714